

REMARKS

Claims 1, 3, 4, 14, 16, 18, 20, 21, 27-39 are pending in this application. Claims 37-39 are added in this paper.

ARGUMENTS

A. Claim Rejections – 35 U.S.C. § 103 Over Moody in View of Brandstetter

Claims 1, 14, 18, 27, and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0093136 to Moody (“Moody”) in view of U.S. Patent Application Publication No. 2003/0036427 to Brandstetter (“Brandstetter”).

No Motivation to Combine The Cited References

One basic requirement for a *prima facie* case of obviousness is that there must be some suggestion or motivation to combine reference teachings. M.P.E.P. § 2143. Moody in view of Brandstetter does not satisfy this test.

Claims 1, 14, 18, 27, and 31-32 all require 1) “completing the tangible sweepstakes entry form manually with identifying indicia” and 2) “submitting the sweepstakes entry form to enter the sweepstakes without involving the gaming machine.” Additionally claims 1, 14, 18, and 27 all require “dispensing a tangible sweepstakes entry form from the gaming machine” based on an outcome of the game.

Moody only discloses dispensing a ticket (such as a sweepstakes entry) based on the combination of symbols present on the gaming machine. (Paragraphs 25, 30, 31, 50).

Brandstetter teaches a gaming system that dispenses a ticket (such as a sweepstakes entry) based only on the number of coins “deposited” in the device. (Paragraphs 27, 28, 34). Brandstetter does teach that the “ticket is a raffle ticket where the player signs their name and address on it and drops it in a bin for daily or weekly drawing at the casino.” (Paragraph 37). However, there is not suggestion in Brandstetter that the ticket would be dispensed based on the result of the game on the gaming machine. Therefore, one skilled in the art would not look to Brandstetter to add features to Moody. Rather, Brandstetter teaches away from Moody by suggesting that the player should be informed as to what must be done to obtain a ticket, by telling the player how many additional coins must be inserted to obtain a ticket. (Paragraph 28).

In this manner the player does not have the same incentive to continue to play the wagering game hoping to obtain a sweepstakes entry based on the result of the wagering game, but instead knows exactly how many additional coins must be placed in the device to obtain the ticket. Therefore, one skilled in the art would not be motivated to combine the teaching of Moody with that of Brandstetter.

Not All Claim Limitations Taught or Suggested

One basic requirement for a *prima facie* case of obviousness is that the prior art references must teach or suggest all of the claim limitations. Moody in view of Brandstetter does not satisfy this requirement for Claims 31 and 32.

Claim 31 requires “dispensing a tangible sweepstakes entry in response to exceeding a predetermined wager.”

This limitation is neither taught nor suggested by either Moody or Brandstetter. Moody only discloses dispensing a ticket (such as a sweepstakes entry) based on the combination of symbols present on the gaming machine. (Paragraphs 25, 30, 31, 50) There is no suggestion in Moody that a that a sweepstakes entry is dispensed for any other occurrence than certain combination of symbols being present on the gaming machine.

Brandstetter teaches a gaming system that dispenses a ticket (such as a sweepstakes entry) based only on the number of coins “deposited” in the device. (Paragraphs 27, 28, 34). There is no teaching in Brandstetter that these coins even are wagered on the device, but rather simply deposited in the device. Therefore, neither Moody nor Brandstetter, alone or in combination, disclose “dispensing a tangible sweepstakes entry in response to exceeding a predetermined wager.”

Claim 32 requires “dispensing a tangible sweepstakes entry form from the gaming machine in response to wagering on all available pay lines.”

This limitation is neither taught nor suggested by either Moody or Brandstetter. Moody only discloses dispensing a ticket (such as a sweepstakes entry) based on the combination of symbols present on the gaming machine. (Paragraphs 25, 30, 31, 50) There is no suggestion in Moody that a that a sweepstakes entry is dispensed for any other occurrence than certain combination of symbols being present on the gaming machine. While it is true that Moody

discloses a “BET MAX” button (paragraph 34), there is no suggestion in Moody that the size of the wager or the number of paylines played results in the dispensing of a ticket.

Brandstetter teaches a gaming system that dispenses a ticket (such as a sweepstakes entry) based only on the number of coins “deposited” in the device. (Paragraphs 27, 28, 34). There is no teaching in Brandstetter that these coins even are wagered on the device, but rather simply deposited in the device. Therefore, neither Moody nor Brandstetter, alone or in combination, discloses “dispensing a tangible sweepstakes entry form from the gaming machine in response to wagering on all available pay lines.” Applicant respectfully submits that that claims 1, 14, 18, 27, 31-32 are patentable over Moody in view of Brandstetter.

B. Claim Rejections – 35 U.S.C. § 103 Over Moody in View of Brandstetter and Further in View of Horniak

Claims 3, 4, 16, 20, 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody in view of Brandstetter and further in view of Horniak.

Not All Claim Limitations Taught or Suggested

Claims 3, 4, 16, 20, and 21 are all dependent claims that include limitations based on dispensing sweepstakes entries based on the monetary payout. Horniak does disclose dispensing a ticket if the coin payout “reaches a predetermined count value” (paragraph 43), and if the coin payout is “greater than a predetermined minimum count value but less than a predetermined maximum count value AND a current random number generated by the TD 90 equals a predetermined comparison value.” (paragraph 44, emphasis in original). However, the limitations found in the independent claims from which these claims depend are not all present in the cited references, therefore, Applicant respectfully submits that that claims 3, 4, 16, 20, 21 are patentable over Moody in view of Brandstetter and further in view of Horniak.

C. Claim Rejections – 35 U.S.C. § 103 Over Horniak in View of Brandstetter

Claims 28-30, 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Horniak in view of Brandstetter.

Not All Claim Limitations Taught or Suggested

Claim 28 requires “dispensing a tangible sweepstakes entry form from the gaming machine in response to a predetermined number of plays associated with a predetermined game outcome.”

This limitation is neither taught nor suggested by either Horniak or Brandstetter. Horniak discloses dispensing a ticket (such as a sweepstakes entry) when the total number of coins inserted or bet in the slot machine reaches a predetermined maximum count value or is greater than a predetermined minimum value but less than a predetermined maximum value. (Paragraph 42). There is no suggestion in Horniak that a sweepstakes entry is dispensed based on predetermined number of plays. The total wager is not necessarily related to the number of plays of the machine, as the machine may have multiple paylines or allow variable wager amounts.

Brandstetter teaches a gaming system that dispenses a ticket (such as a sweepstakes entry) based only on the number of coins “deposited” in the device. (Paragraphs 27, 28, 34). There is no teaching in Brandstetter that these coins even are wagered on the device, but rather simply deposited in the device. Therefore there is no teaching in Brandstetter that a ticket is dispensed based on the number of plays.

Claims 29 and 30 depend from claim 28, and thus include all of the limitations of claim 28.

Claim 34 requires “dispensing a tangible sweepstakes entry form from the gaming machine at a predetermined time of day.”

Horniak discloses that ticket dispensing may occur based on the time. (Paragraph 48). Horniak, however, does not describe or suggest completing an entry form, nor submitting the entry form to become eligible for a sweepstakes. Horniak only states that, “The dispensed tickets can then be redeemed for prizes, utilized for additional gambling, and/or used for whatever reward purposes the casino or other establishment decide.” (Paragraph 11). Horniak is not only silent with respect to manually completing an entry form with identifying indicia, but furthermore, is silent with respect to any type of sweepstakes or lottery game event. Therefore, one skilled in the art is not instructed by Horniak of the need to complete a sweepstakes entry, and would not look to combine Horniak with Brandstetter.

Brandstetter teaches a gaming system that dispenses a ticket (such as a sweepstakes entry) based only on the number of coins “deposited” in the device. (Paragraphs 27, 28, 34). There is no teaching in Brandstetter that these coins even are wagered on the device, but rather

simply deposited in the device. Therefore there is no teaching in Brandstetter that a ticket is dispensed based on the time of day.

Claims 35 and 26 depend from claim 34, and thus include all of the limitations of claim 34.

Applicant respectfully submits that claims 28-30 and 34-36 are patentable over Horniak in view of Brandstetter.

Applicant additionally notes that while the Office Action Summary lists claim 33 as being rejected, however, the Detailed Action does not refer to claim 33. Applicant assumes that claim 33 should have been included in numbered paragraph 7 based on the reference in numbered paragraph 8 regarding player tracking criteria.

Claim 33 requires “dispensing a tangible sweepstakes entry form from the gaming machine in response to predetermined player tracking information criteria.”

This limitation is neither taught nor suggested by either Horniak or Brandstetter. Horniak does mention a player tracking card (paragraph 32), however Horniak discusses the use of the player tracking card to be used like a debit card to be the source of the wager placed in the slot machine. The tracking card plays no role in ticket dispensing of Horniak, as Horniak only discloses dispensing tickets based on certain combinations of coins placed in the slot machine, bet on the slot machine, or won on the slot machine. (Paragraphs 41-44). More importantly Horniak teaches away from using player tracking information by stating that ticket dispensing events are based “on the total number of coins inserted, bet or won is not determined based on each player, but is determined cumulatively irrespective of players.” (Paragraph 45.)

Brandstetter teaches a gaming system that dispenses a ticket (such as a sweepstakes entry) based only on the number of coins “deposited” in the device. (Paragraphs 27, 28, 34). There is no teaching in Brandstetter that these coins even are wagered on the device, but rather simply deposited in the device. Therefore there is no teaching in Brandstetter that a ticket is dispensed based on player tracking information. Applicant respectfully submits that claim 33 is patentable over Horniak in view of Brandstetter.

New Claims

New claims 37-39 have been added by this amendment. Each of the new independent claims contains limitations not taught or suggested by Horniak, Brandstetter, or Moody.

Independent claim 37 requires the use of a website to complete the sweepstakes entry dispensed by a gaming machine. Independent claim 39 dispenses an entry in response to the frequency of plays of a game on a gaming machine. Consequently, the Applicant maintains that the claims are novel and nonobvious over Horniak, Brandstetter, and Moody.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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